

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SHELLY COOPER,

Plaintiff,

v.



21-CV-1255 (JLS) (JJM)

VIKING ACQUISITIONS LLC,

Defendant.

DECISION AND ORDER

Plaintiff Shelly Cooper commenced this action alleging violations of the Fair Debt Collection Practices Act (“FDCPA”) and the Texas Debt Collection Act (“TDCA”). Dkt. 1. After Defendant was served and failed to appear, Cooper obtained a Clerk’s Entry of Default (Dkt. 7) and further moved for default judgment in the amount of \$7,558.31—comprised of \$1,000 in statutory damages and \$5,000 in noneconomic damages under the FDCPA, \$141.81 in actual damages under the TDCA, and attorney’s fees and costs of \$1,416.50. Dkt. 9.

Presently before the Court is Magistrate Judge McCarthy’s November 9, 2022 Report and Recommendation (“R&R”) (Dkt. 11) recommending that Cooper’s motion for default judgment be granted in part. Dkt. 11. After concluding that the complaint sufficiently states a claim for a violation of both the FDCPA and the TDCA, the R&R recommended granting the motion for default judgment in the amount of \$2,200.12 as follows:

- \$500.00 in statutory damages under the FDCPA;
- \$141.81 in actual damages under the FDCPA;
- \$141.81 in actual damages under the TDCA; and
- \$1,416.50 in attorney's fees and costs.

Dkt. 11. Objections to the R&R were due by November 23, 2022, but no objections were filed.

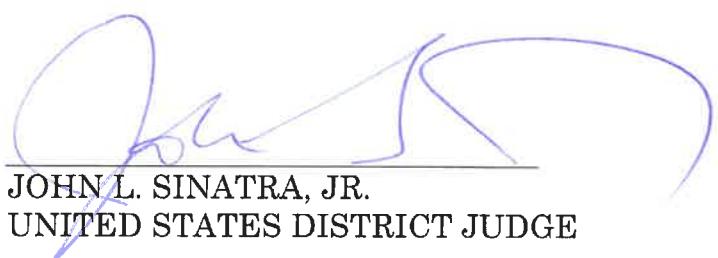
A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so, this Court nevertheless has reviewed the relevant record and Judge McCarthy's R&R for error. Finding none, and in the absence of any objections, this Court accepts and adopts Judge McCarthy's recommendations to grant the motion for default judgment as set forth in the R&R.

For the reasons stated above and in Judge McCarthy's R&R, Cooper's motion for default judgment (Dkt. 9) is GRANTED to the extent it seeks judgment in the amount of \$2,200.12 (\$500.00 in statutory damages under the FDCPA; \$141.81 in actual damages under the FDCPA; \$141.81 in actual damages under the TDCA; and \$1,416.50 in attorney's fees and costs). The Clerk of Court is directed to enter judgment in favor of Plaintiff as stated in this decision and order, and to close this case.

SO ORDERED.

Dated: December 15, 2022
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE